

Sen. Armed Ser.

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OLC 71-2077

1 December 1971

MEMORANDUM FOR THE RECORD

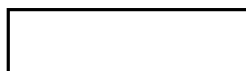
SUBJECT: Appointment of DDCI

1. This morning Ed Braswell, Chief Counsel, Senate Armed Services Committee, called to ask if we had any word on General Cushman's successor. I said I certainly had none, and wasn't sure whether we would be consulted. I said I had no idea whether the Director had been involved in discussions on the matter, but I noted that the Administration in such matters played its cards close to its chest, and that neither the Agency nor the congressional leadership had been consulted on certain changes in the intelligence community announced recently.

2. Mr. Braswell asked whether consideration had been given to a civilian. I said I knew nothing authoritative. I said it seemed to me if we were to have a civilian Deputy Director, now would be a good time to raise the issue. I recalled that in the past there had been a feeling on the Hill that if the Director was a civilian the Deputy should be military. I said I would be glad to raise the matter with the Director but I doubted if I would have a chance to do so immediately. I said it seemed to me, on the basis of the past record to date, it was doubtful the Administration would consult anybody, either here or on the Hill. Mr. Braswell fully agreed, remarking that the trouble was "they think they are winning."

3. Mr. Braswell said he didn't know what the right thing to do would be in present circumstances. I commented we had been particularly lucky to have General Cushman as a Deputy but the Director was not in the habit of using his Deputy as a complete alter ego.

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4. Mr. Braswell asked if we had "any other qualified people" to fill that job. I said I thought we did and mentioned Bill Colby as an example. I also said there might be qualified civilians outside the Agency but I didn't know who they were. Mr. Braswell said it might be helpful if the candidate had good political connections, but it would be unfortunate if it appeared a political appointment. However, he said this might not be important since the Deputy really was not a "front man."

5. Later I talked with Mr. Braswell and told him I had spoken to the Director of our earlier conversation and that the Director wanted me to make it very clear that the appointment of a Deputy Director was the President's prerogative and the Director had no information on the subject. However, I said the Director was concerned to head off any political controversy that the announcement of a candidate might produce and therefore felt that if Senator Stennis had any strong feelings on the subject it might be well for the Senator to make them known to the appropriate people at an early date. Mr. Braswell said he agreed with this point and would convey it to Senator Stennis at the first opportunity.

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JOHN M. MAURY
Legislative Counsel

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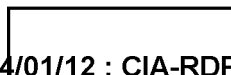
SUBJECT: Director's Conversation with Senator John Stennis
Re New DDCI and Intelligence Budget

1. Today the Director told me of a phone conversation with Senator Stennis on the above subjects. The Senator said he was concerned because the confirmation of a new Deputy Director would provide a springboard for the Senate for an investigation of the Agency, and he commented he never understood why the Deputy had to be a military man. The Director replied that he saw no reason for it now and recalled that originally Senator Russell thought it wise to have a military man in the position but later changed his mind. Senator Stennis said he would like to see the practice changed and felt it would be very helpful if the President nominated a civilian.

2. The Director said he didn't expect to have much say in the nomination but if the Senator had strong views on the matter it might be useful for him to convey them to the right person rather than for the Senator to wait until the decision was made and then have to oppose it.

3. Senator Stennis then turned to the problem of the national intelligence budget, remarking that he had talked to Senator Ellender and felt that prompt action should be taken. He said they might not remain in session beyond next week, and if they waited until January they might have trouble. He said things should be worked out so there would not have to be any more amendments. He said he had talked to Ellender and Ellender wanted to talk to the Director. He said Ellender's initial reaction to the new arrangement for handling the budget was "not bad" but he wanted to discuss it with the Director. Senator Stennis went

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on to say that the trouble was the money was secret



He asked the Director to "put his fellows to work on it." He added that if it were whittled down to the nub he thought the membership could agree to limit knowledge of the details to a very small number. The Director agreed to do what he could.

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Journal - Office of Legislative Counsel
Wednesday - 1 December 1971

Page 2

25X1 6. ([] - JMM) Met with James Kendall, Chief Counsel, Subcommittee on Preparedness Investigating of Senate Armed Services Committee, and, in response to his request, gave him a copy of the "Guide to CIA Statutes and Law." Mr. Kendall said he wished some documentation on the creation, composition and responsibilities of the USIB on an unclassified basis. I said all the formal documents on this question were NSC directives pursuant to Section 102 (d) of the National Security Act of 1947 and that these would have to be obtained, if at all, from the NSC rather than the Agency. Kendall said if necessary he would settle for just a simple statement saying that the questions he had raised were covered by classified NSC directives. I said we would provide him what we could. He said he was raising similar questions regarding the authorities and organization of the NSC, DIA, NSA, INR, PFIAB, and the service intelligence agencies.

25X1 7. ([] - JMM) Delivered to Jack Ticer, Senate Armed Services Committee staff, a followup paper covering a question put to General Westmoreland by Senator Symington during the course of Committee hearings on the Okinawa Reversion Treaty.

25X1 8. ([] - JMM) Robert Blum, new member of the Senate Foreign Relations Committee staff involved in analyzing the "Pentagon Papers," called to say he would like to meet to discuss arrangements for working with the Agency in his project. He said he and two colleagues, Robert Biles and Ann Hollick, who have DOD security clearances, would also be involved. I explained to him that [] would be his main point of contact and arranged for them to meet on Tuesday, 7 December, at 2:00 p.m. for discussion with [] and me.

25X1 9. ([] - JMM) Ambassador Wymberly Coerr, INR, called to obtain our recommendations regarding the Secretary's comment to the Foreign Relations Committee about the Symington Resolution (S. Res. 192) establishing a select committee to oversee U.S. activities abroad under the authority of the ambassador. I provided some suggested language which made the point that such oversight would conflict with Presidential prerogatives, since the ambassador was the personal representative of the President. Coerr was not sure this would work and as a fallback position suggested language requiring the ambassador to keep the committees "generally informed" rather than "fully informed." I said if this was the best they could do we would probably have to go along with it. I explained that our comments had already been requested by the Armed Services Committee which was also involved.

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JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 1 December 1971

25X1 1. ([] - JMM) Received a call from Mr. Ed Braswell, Chief Counsel, Senate Armed Services Committee, who asked if we knew anything of plans for General Cushman's replacement. I said we did not. See Memo for Record.

25X1 2. ([] - JMM) Met with Frank Slatinshek, Assistant Chief Counsel, House Armed Services Committee, and went over some material we had pulled together in response to Slatinshek's request for help in preparing an unclassified talk Representative O. C. Fisher plans to give to some of his constituents regarding CIA. Slatinshek said the material seemed satisfactory and suggested I explain it personally to Representative Fisher.

25X1 3. ([] - JMM) Met with Russ Blandford, Chief Counsel, House Armed Services Committee, who was interested in General Cushman's replacement. I told him I had no information on the subject.

25X1 4. ([] - JMM) Met with Representative O. C. Fisher and reviewed with him material on which he might draw in preparation of a speech on CIA before some of his constituents. I gave Mr. Fisher a copy of the Director's 14 April 1971 speech before the American Society of Newspaper Editors; Admiral Raborn's interview in U.S. News and World Report; the pamphlet on CIA; a collection of comments by various Presidents on intelligence; and a copy of an unclassified talk I had given to student groups, congressional interns, etc. Mr. Fisher seemed satisfied but said he would let me know if he wanted anything further.

25X1 5. ([] - JMM) Left with Senator Stennis' secretary a blind memo in response to a question he had raised with the Director describing Ted Shackley's appearance before the Senate Armed Services Committee on 5 October 1967 and a briefing of our two Senate Subcommittees chaired by Senator Russell on 16 July 1968 at both of which Senator Symington had congratulated us on our operations in Laos.

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